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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 LEON S. SEGEN, derivatively on behalf of
APPLIED MICRO CIRCUITS
15 CORPORATION, INC.,

16 Plaintiff,

17 v.

18 DAVID M. RICKEY, WILLIAM E.
BENDUSH, and APPLIED MICRO
19 CIRCUITS CORPORATION,

20 Defendants.
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CASE NO. C 07-2917 MJJ

**[PROPOSED] ORDER GRANTING
DEFENDANT WILLIAM E. BENDUSH'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

Date: November 27, 2007
Time: 9:30 a.m.

Judge: Hon. Martin J. Jenkins

1 Defendant William E. Bendush has moved this Court for an order dismissing Plaintiff
2 Leon S. Segen's Verified Complaint for Violation of the Securities Exchange Act of 1934 with
3 prejudice pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure.

4 The Court, having considered the briefs and other materials in support of and in
5 opposition to the motion and having heard the arguments of counsel, finds as follows:

6 IT IS HEREBY ORDERED that Defendant William E. Bendush's Motion to Dismiss is
7 GRANTED, and the Complaint is dismissed with prejudice and without leave to amend.

8 **IT IS SO ORDERED.**

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10 Dated: _____, 2007

By: _____
THE HONORABLE MARTIN J. JENKINS
United States District Judge

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